



APPENDIX 1

MOTION TO VACATE JUDGMENT

Comes now the plaintiff, by his attorneys, and moves the Court to vacate the judgment entered in the above-entitled case on April 5, 1943.

(s) KING & KING,
King & King,
Attorneys for Plaintiff.

MEMORANDUM:

The Court announced its decision in the above case on December 7, 1942, but suspended the entry of judgment pending the filing by the General Accounting Office of a computation showing the amount due plaintiff under the Court's decision. A computation purporting to show the amount due plaintiff under the Court's decision was filed by the General Accounting Office on March 4, 1943, and on April 5, 1943, the Court entered judgment in favor of the plaintiff in the amount shown to be due him by the General Accounting Office's computation.

Plaintiff's attorneys are now advised that the General Accounting Office incorrectly computed the amount due plaintiff in that it failed to make any computation of rental allowances, although neither the plaintiff nor his dependent occupied any Government quarters during a portion of the period covered by his claim, and it failed to compute the subsistence allowance due him on the

basis of the rank actually held by him during a portion of the period covered by his claim.

In view of the fact that it appears that the General Accounting Office has not correctly computed the amount due plaintiff, it is requested that the judgment be vacated, and plaintiff be permitted to obtain a new and correct computation from the General Accounting Office.

(s) KING & KING.
King & King.

APPENDIX 2

PLAINTIFF'S MOTION TO VACATE JUDGMENT AND FOR LEAVE TO OFFER ADDITIONAL EVIDENCE

Comes now the plaintiff, by his attorneys, and moves the Court to vacate the judgment entered in the above-entitled case, and for leave to offer additional evidence in the case.

KING & KING,
Attorneys for Plaintiff.

MEMORANDUM:

On December 7, 1942, the Court announced its decision in the above-entitled case, holding that plaintiff was entitled to recover, but suspended entry of judgment pending the filing by the General Accounting Office of a computation showing the amount due plaintiff under the Court's decision. On March 4, 1943, the computation purporting to show the amount due plaintiff was filed by the General Accounting Office, and on April 5, 1943, the Court entered judgment in favor of the plaintiff in the amount shown to be due him by the General Accounting Office's computation.

On June 29, 1943, there was filed in the Court a supplemental report from the General Accounting Office showing that an additional amount was due plaintiff as subsistence allowance and intimating that there was additional rental allowance due him, which it was precluded from crediting to him by reason of Paragraph 3 of the Court's Special Findings of Fact.

Under the circumstances the judgment heretofore rendered in favor of the plaintiff should be vacated and leave be given him to obtain additional evidence bearing upon the quarters occupied by him or his mother during the entire period covered by the claim so that the Court's findings may be corrected and judgment entered for the amount properly due him.

KING & KING,
Attorneys for Plaintiff.

